

**REMARKS**

The Examiner is thanked for the careful examination of the application.

However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

35 U.S.C. §101:

Claims 9-16 have been rejected under 35 U.S.C. §101 for allegedly being directed to nonstatutory subject matter. In response to that rejection, claim 9 has been amended to refer to a computer readable medium. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection.

Art Rejections:

Claims 1-7, 9-15, and 17 have been rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,738,519, hereinafter Nishiwaki.

In response to the rejection based on Nishiwaki, claim 1 has been amended to more clearly distinguish the subject matter therein from Nishiwaki. Specifically, as now amended, claim 1 defines an image processing device that includes, among other elements, a conversion unit for converting character images to character code data according to character codes. The device further includes a judgment unit that obtains a degree of character continuity, and which makes a judgment on whether, based on the degree of character continuity, the character image should be represented by character code data or should be represented by image data.

In other words, the image processing device of claim 1 makes a judgment as to whether or not to represent an image by either character code data or image data.

In contrast to claim 1, Nishiwaki does not teach the judgment unit recited in claims 1. Specifically, according to Nishiwaki, an assumption is made that the

subject image is a character, and Nishiwaki attempts to determine what kind of character it is. More specifically, Nishiwaki does not make a judgment as to whether or not to represent an image by either character code data or image data. Nishiwaki assumes that the subject image is always a character, and processes the data to determine which character it is.

Accordingly, Nishiwaki does not include the combination of claim 1 that includes among other elements, a judgment unit that makes a judgment on whether, based on the degree of character continuity, the character image should be represented by character code data or by image data.

Accordingly, claim 1 is clearly patentable over Nishiwaki.

Claims 2-7 depend from claim 1, and are thus also patentable over Nishiwaki at least for the reasons set forth above with respect to claim 1.

Claim 9 defines a program product on a computer readable medium for image processing. The program product causes a computer to execute a process that includes among other elements, the step of making a judgment on whether, based on the degree of character continuity, the character image should be represented by character code data or it should be represented by image data. Accordingly, claim 9, and dependent claims 10-15, which depend from claim 9, are also patentable over Nishiwaki at least for the reasons set forth above with respect to claim 1.

Claim 17 defines an image processing system that also includes a judgment unit which makes a judgment on whether, based on the degree of character continuity, the character image should be represented by character code data or should be represented by image data. Accordingly, claim 17 is also patentable over Nishiwaki at least for the reasons set forth above.

Accordingly, in view of the foregoing amendments and remarks that follow, the rejection of claims 1-7, 9-15, and 17 based on Nishiwaki should be withdrawn.

Claims 8, 16, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiwaki in view of U.S. Patent No. 6,341,176, hereinafter Shirasaki. The Examiner relies upon Shirasaki only for its alleged teaching of calling for a file generating unit that generates an electronic file containing character code data. However, in the portions of Shirasaki relied upon by the Examiner do not overcome the deficiency of Nishiwaki. Accordingly, the rejection of claims 8, 16, and 18, which depend from claims 1, 9, and 17, should be withdrawn, at least for the reasons set forth above with respect to claims 1, 9, and 17.

To further define the protection to which Applicants are entitled, new claims 19-23 are submitted herewith.

Claims 19-21 depend from claims 1, 9, and 17, and are thus patentable over the applied prior art for the reasons set forth above with respect to claims 1, 9, and 17.

Claim 22 defines an image processing method that includes the steps of generating character code data of a character image from original image data, generating character image data of the character image from the original image data, and employing at least one of the original image data, with the character image data, and the character code data to represent the character image. The applied prior art does not teach or suggest the recited method.

Claim 23 depends from claim 22, and is thus also patentable.

Drawings:

Figure 7b has been amended to correct an error therein. Support for the correction may be found on page 26 of the specification.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 15, 2004

By: William C Rowland  
William C. Rowland  
Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620